

Notice of Allowability

Application No.

10/709,268

Examiner

CUONG H. NGUYEN

Applicant(s)

DUTU, JULIUS VIVANT

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview on 2/02/06.
2. ☒ The allowed claim(s) is/are 1,6-15,17-21 and 25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 2/02/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


CUONG H. NGUYEN
Primary Examiner
Art Unit: 3661

DETAILED ACTION

1. This Office Action is the answer to the amendment received on 11/28/2005, and the interview on 2/02/2006.

Status of the claims

2. Claims 1, 3-4, 6-22, and 24-25 are pending.

Drawings

3. Formal drawings were acceptable by the examiner on 11/07/05.

Examiner's amendment:

4. An examiner's amendment to the record appears below. The authorization for this amendment was given in a telephone interview with Mr. Daniel S. Polley (Reg. # 34,902) on 2/02/2006. Should the changes and additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

5. The pending claims are amended as followed (using the 11/28/05 Response):

- a. Claim 1, right after line 19, insert:

■ -- wherein a predefined proper override response in the onboard system prior to take off corresponds to authorized biometric information of the individual; --

- b. Claim 3 is CANCELLED.

- c. Claim 4 is CANCELLED.

- d. Claim 7 lines 23-24, substitute "wherein said predetermined safety flight path is stored within said automatic pilot system prior to take off of the air vehicle;" with

- - wherein said predetermined safety flight path is information stored onboard, prior to take-off, regarding a universal safe air space for use by traveling air vehicles and is

determined independent of a current location of the air vehicle at the time the automatic pilot system is automatically instructed to direct the air vehicle to the predetermined safety flight path. - -

e. Claim 16 is CANCELLED.

f. Claims 22 and 24 are CANCELLED.

g. Claim 17, right after line 28 (was the end of the claim 17), insert:

-- wherein said safe flight path is information stored prior to take off regarding a predefined universal air space for use by traveling air vehicles and is determined independent of a current location of the air vehicle at the time the air vehicle computer is automatically instructed by the PC controller to direct the air vehicle to the safe flight path.--

h. Claim 21 is CANCELLED.

Allowable Subject Matter & Reasons for Allowance

6. Independent claims 1, 7, 17, and 25 are patentable over the closest references of McBain, Langston, and Waterman because they do not anticipate nor fairly and reasonably disclose a method or a system for determining a pre-defined flight path that the air vehicle is directed to a claimed by applicant, besides other limitations, above claims require that the air vehicle is directed to the predetermined safety flight path without any assistance/signal from a location remote to the air vehicle. The onboard system of the air vehicle, on its own determination, is responsible for the directing the air vehicle to the predetermined safety flight path.

In Langston, the ground control segment communicates with the cockpit and determines where to send the plane.

McBain directs a specific air vehicle to a safe air location based on the air vehicle's current location in the air. Additionally, McBain requires a signal from a remote location in order to direct the air vehicle to a safe air location.

Waterman also receives a signal from a remote location to direct the air vehicle to a safe air location; Waterman does not store a predetermined safe flight path prior to take off of the air vehicle.

7. Claims 6, 8-15, and 18-20 are allowed because they are dependent on claims 1, 7, and 17.

8. Claim 6 is renumbered as claim 2;

Claims 17-20 are renumbered as claims 3-6;

Claim 25 is renumbered as claim 16.

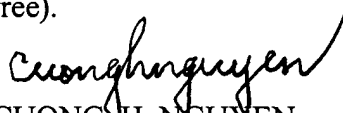
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CUONG H. NGUYEN
Primary Examiner
Art Unit 3661



New Sheet

Applicant: Julius Vivant Dutu
Serial#10/709,268

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UONG NGUYEN
MARY EXAMINER

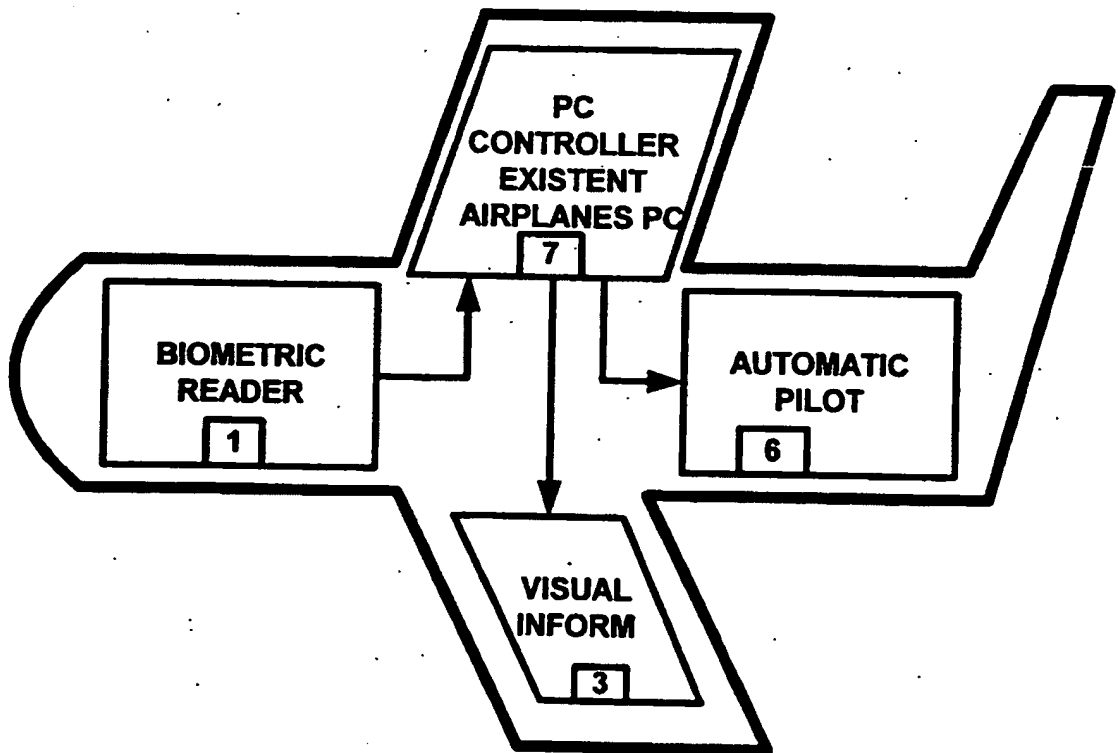
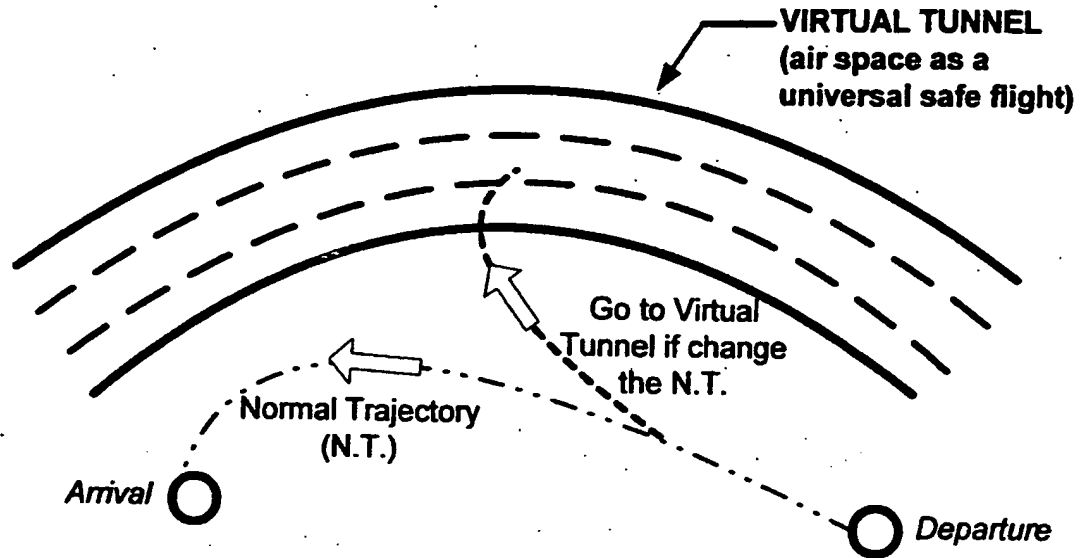


FIG. 3